

Appl. No. 09/682,823
Amdt. dated May 05, 2005
Reply to Office action of February 08, 2005

REMARKS/ARGUMENTS

1. Oath or declaration is missing.

Response:

5 The PAIR page for this application shows that the USPTO received and entered a
Combined Declaration and Power of Attorney on 10/31/2001. A link to the received
Combined Declaration and Power of Attorney can be found in the "Image File
Wrapper" tab under that date having a "Document Description" of "Authorization from
Applicant to treat all replies as incorporating Extension of Time, and charge all fees to a
deposit account". Said Combined Declaration and Power of Attorney can be viewed on
10 pages 5-6 of that document. Should the Examiner be unable to verify that a complete
and valid Combined Declaration and Power of Attorney for this application has been
received, additional information is respectfully requested so that a new Declaration can
be timely filed.

15 2. Claim rejections

Examiner:

 Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite.
Claims 1, 8, 12, 17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipate by
U.S. Patent No. 5,911,044. Claim 2 is rejected under 35 U.S.C. 103(a) as being
20 unpatentable over U.S. Patent No. 5,911,044 to Lo et al. in view of U.S. Patent No.
5,913,072 to Wieringa. Claims 3, 4, 5, 6, 7, and 9 are rejected under 35 U.S.C. 103(a) as
being unpatentable over U.S. Patent No. 5,911,044 to Lo et al. in view of [U.S. Patent
5,542,076 to Benson et al.]. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as
being unpatentable over U.S. Patent No. 5,911,044 to Lo et al. in view of U.S. Patent No.
25 5,542,076 to Benson et al., and in further view of U.S. Patent No. 6,816,219 B1 to Izumi

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et al. Claims 13, 14, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,911,044 to Lo et al. in view of U.S. Patent No. 6,699,125 B2 to Kirmse et al. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,911,044 to Lo et al. in view of U.S. Patent No. 6,587,129 B1 to Lavendel et al. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,911,044 to Lo et al. in view of U.S. Patent No. 6,353,848 B1 to Morris.

Response:

10 Claim 16 has been amended to more fully conform to 35 U.S.C. 112, second paragraph as required. The physical detection of the network is supported by Paragraph [0012] of the application as published (2002/0057462 A1). Reconsideration of claim 16 under this rejection is respectfully requested.

15 All other rejections depend primarily upon U.S. Patent No. 5,911,044 to Lo et al. as a reference.

20 The present application discloses automatically transmitting captured image data to on-lines clients via the network according to an on-line user list (Abstract). Paragraph [0018] of the published application says that each of the on-line clients receives the preview image and that each of the clients can then determine whether or not to receive the captured image data. In short, the same image data is transmitted to each of a plurality of clients on the user list.

25 Now turning to the Lo et al. disclosure, the Paragraph beginning on line 15 of Col.7 discusses a necessity for client computer security and discloses that the scanner server cannot transmit data to a client computer without the client first initiating the command. Figs.8 and columns 15-16 clearly indicate the scanner server and a client computer work in a 1 to 1 relationship during any "open session" between the scanner server and client.

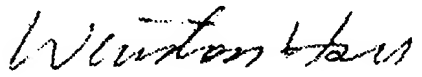
Appl. No. 09/682,823
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Col.8, lines 61-67 state that a user must identify the client connection to ensure (for security reasons) that the image is transmitted to the correct client.

Thus, one clear functional distinction between the present application and the disclosure of Lo et al. is that in Lo et al., only one client receives the image and in the present invention, all clients on the list receive the image. Accordingly, the claims of the present application have been slightly amended to point out this distinction. No new material has been introduced. It is believed that it is not obvious to modify the disclosure of Lo et al. to meet the limitations in the amended claims because Lo et al.'s limited 1 to 1 relationship between the scanner server and the client is stated as being necessary to preserve security (Col.3, lines 1-22). Changing the limited 1 to 1 relationship changes a prime operational principle of the disclosure and is therefore not obvious.

As such, the Applicant believes that the present invention represents a new and useful device not anticipated or suggested by the prior art and respectfully requests reconsideration and allowance of claims 1-20.

Respectfully submitted,



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